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Docket No. CGS-101TD1
Serial No. 10/820,423Remarks

Claims 57-64 are pending in the subject application. Applicant acknowledges that claims 59-63 have been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicant has canceled claims 59-63. Applicant has amended the subject specification to indicate the patent number for the parent application. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 57, 58, and 64 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicant notes that a Claim of Priority Under 35 USC §119 was submitted to the Patent Office on January 5, 2005. In accordance with MPEP 201.14(b), Applicant reaffirmed his claim to foreign priority and requested that the foreign priority applications from the parent application, U.S. application Serial No. 10/031,636, be made of record in the subject application. However, the Office Action Summary page of the instant Action did not include an acknowledgement of Applicant's claim to foreign priority under 35 USC §119 or that the foreign priority documents were received. Accordingly, Applicant respectfully requests that his claim to foreign priority be acknowledged and the foreign priority documents be made of record by the Examiner in the subject application.

Applicant also notes that the Office Action does not indicate that the Examiner considered Applicant's Information Disclosure Statement (IDS) dated August 16, 2006. The instant Action did indicate receipt and consideration of the IDS filed April 8, 2004 and the supplemental IDS filed July 25, 2006. Applicant notes that the August 16, 2006 IDS is readily available in the Image File Wrapper of the Patent Application Information Retrieval database with a mail room date of August 21, 2006 and respectfully requests that the reference be considered and made of record by the Examiner in the subject application with the next Action.

Claims 57, 58, and 64 are rejected under the judicially created doctrine of "obviousness-type" double patenting over claim 1 of U.S. Patent No. 6,794,140. Applicant respectfully asserts that the claims are not obvious over the cited patent. However, in order to expedite prosecution of the subject application, Applicant has submitted a Terminal Disclaimer with this Amendment which

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obviates this rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

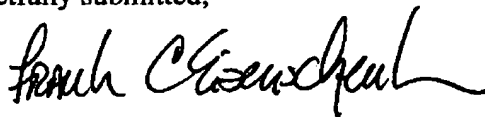
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicant's agreement with or acquiescence in the Examiner's position. Applicant expressly reserves the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Terminal Disclaimer

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